

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOSE CRUZ,

Petitioner,

v.

**JOHN WETZEL, DISTRICT ATTORNEY
OF THE COUNTY OF PHILADELPHIA
AND ATTORNEY GENERAL OF THE
STATE OF PENNSYLVANIA,
Respondents.**

CIVIL ACTION

NO. 14-2681

ORDER

AND NOW, this 6th day of November, 2015, upon careful and independent consideration of the petition for Writ of *Habeas Corpus*, and after review of the Report and Recommendation of United States Magistrate Judge Linda K. Caracappa, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED.
2. The petition for Writ of *Habeas Corpus* is DISMISSED with prejudice.
3. There is no probable cause to issue a certificate of appealability.
4. The Clerk of the Court shall mark this case closed for statistical purposes.

BY THE COURT:

/S/WENDY BEETLESTONE, J.

WENDY BEETLESTONE, J.